

Children's Day Care Licensing Regulations For School Age Care



Mission Statement

It is the mission of Child Care Licensing to promote a positive and developmentally appropriate child care environment for Vermont's children, to establish and monitor compliance to regulations in order to ensure the health, safety and well-being of children, and to encourage a working partnership among parents, providers and Licensing by promoting professionalism in child care.

Agency of Human Services
Department of Social & Rehabilitation Services
Child Care Services Division
Child Care Licensing
103 South Main Street
Waterbury, VT 05671-5500
Telephone (802) 241-3110 or 1-800-649-2642
www.brightfuturesinfo.org

Effective October 7, 1996

TABLE OF CONTENTS

DEFINITIONS

SECTION A -	ADMINISTRATION	Page 9
SECTION B -	RECORDS AND REPORTS	11
SECTION C -	STAFF REQUIREMENTS	13
SECTION D -	GROUPS AND NUMBERS	18
SECTION E -	PROGRAM	19
SECTION F -	GUIDANCE/DISCIPLINE	21
SECTION G -	ENVIRONMENT	22
SECTION H -	TRANSPORTATION	23
SECTION I -	SWIMMING	25
SECTION J -	EMERGENCY PROCEDURES	25
SECTION K -	HEALTH	26
SECTION L -	TRAINING	39
SECTION M -	RELATIONSHIP BETWEEN LICENSEE AND THE LICENSING	40

DEFINITIONS

For purposes of these regulations, words and phrases shall have their common meaning unless otherwise defined here.

APPLICATION – An official form provided by the Division which when completed and signed by the applicant is a request for a day care license.

CAREGIVER – The person who is responsible for facilitating the physical, cognitive, social and emotional growth and development of children in her/his care and is counted in the adult/child ration. This category may include Director, Head Teacher, Teacher and Assistant.

CHILD – Person who has not yet reached the age of sixteen years.

CHILD CARE – The developmentally appropriate care, protection and supervision of which is designed to ensure wholesome growth and educational experiences for children outside of their homes for periods of less than 24 hours a day in a day care facility.

COMMISSIONER – Commissioner of the Department of Social and Rehabilitation Services or his/her designee.

CONDITIONS OF THE LICENSE – Requirements that must be met in order to retain a license.

CORPORAL PUNISHMENT – The intentional infliction of pain by any means for the purpose of punishment, correction, discipline, instruction or any reason.

DAY CARE FACILITY – Any place, operated as a business or service on a regular or continuous basis whether for compensation or not, which provides child care services. Used interchangeably with the term School Age Care (SAC).

DEPARTMENT – The Vermont Department of Social and Rehabilitation Services, Agency of Human Services and/or its agent(s).

DEVELOPMENTALLY APPROPRIATE – Activities and supports which meet the individual needs (physical, emotional, social and cognitive) of each child, and which include a balance of adult directed and child initiated activities.

DIRECTOR – The staff person possessing the qualification for the position of Director and responsible for the overall operation of the facility.

DISCIPLINE – A process of guiding children to develop internal prosocial behavior through the supportive consistent use of the following: modeling appropriate behavior, praise, active listening, limit setting, reinvolverment, and modifying the environment.

DIVISION – The Division of Licensing and Regulation of the Vermont Department of Social and Rehabilitation Services.

EDUCATIONAL – Programming which serves to impart knowledge or skill and which is appropriate to the developmental level of the child.

FACILITY – See definition for Day Care Facility.

GROUP – The number of children assigned to a teacher/caregiver or team of staff members who meet together regularly and can be identified with one another as being distinct from the larger population of children in care.

HEAD TEACHER – The staff person who possesses the qualifications for the position of Head Teacher and is responsible for the development/implementation of the program curriculum, support and supervision of teaching staff.

HIGHER EDUCATION COURSE – A three credit course or equivalent which could apply toward acquiring a post secondary degree in Early Childhood Education, Elementary Education, Human Development or other related field.

LICENSE – An official document which certifies that a licensee has been granted permission by the State to operate a day care facility in accordance with the provisions of the law and regulations of the Department.

LICENSEE – The person, corporation or other legal entity named on the license certificate as having received the license and who is responsible for maintaining compliance with these regulations.

PARENT – The legal custodian of the child enrolled in the facility.

PARENT CONFERENCE – A meeting scheduled and held between the parents and staff for the purpose of discussing the needs of and/or progress of a child relative to the services provided by the facility.

PHILISOPHY – A comprehensive description of how children develop and learn and the role of the program in enhancing this process.

PRIMARY CARGIVER – The staff person responsible for facilitating and nurturing a child's cognitive, social, emotional, and physical growth and development and the person responsible for communicating the child's daily activities to the child's parent.

PROVISIONAL LICENSE – A non-renewable license issued by the Department for a period of not more than one year to an applicant who is applying for a license for the first time or who has submitted an application for the licensure of a facility not previously licensed. A provisional license may be issued provided the Department find that, although the facility, its staff, or service or any matter subject to regulation is not yet in full compliance to all regulations, it is likely that all regulations will be complied with in a reasonable and predetermined period of time of one year or less as determined by the Department.

RECREATION AIDES – Persons over the age of 16 years who otherwise meet staff requirements.

RECREATION PROGRAMS – The following programs are exempt from licensure: i) Programs operating for no more than four hours on one day a week or not more than two hours two days a week; ii) programs operating thirteen consecutive weeks or less per year which provide a variety of activities including, but not limited to athletics, and arts and crafts to children who have completed kindergarten or who will reach their sixth birthday by September 1st of the enrollment year; iii) part day programs operating less than four hours per day and thirteen consecutive weeks or less providing a variety of activities including but not limited to athletics, arts or crafts and socialization; iv)

programs which provide for the development of single skill based activity such as skiing, pottery making, computer operation, tennis or musicianship.

REVOCATION – The formal act of closing a day care facility due to violation of these regulations or related statutes. A facility may continue to operate during a revocation action pending an appeal to the Human Services Board.

SCHOOL AGE CARE – A licensed day care facility whose services are designed to ensure that school age children are provided with wholesome growth and educational experiences. Used interchangeably with the terms Day Care Facility.

SCHOOL AGE CHILD – A child who has attained the age required by law to attend school and is attending a full day school session or is attending Kindergarten.

SERIOUS VIOLATION – A violation of group size, staffing requirements or any violation which immediately imperils the health, safety or well-being of children. Serious violations may also include corporal punishment, physical or sexual abuse, or health and safety or health and safety requirements.

STAFF – Adults who have direct responsibilities for the operation of the program or the care and education of children.

SPECIAL NEEDS – One or more of the following areas in which a child shows difficulty or delay:

- ability to learn
- social/emotional
- self care
- fine and gross motor
- communication (speech & language)
- medical or environmental factor(s) that may affect participation in daily activities

SUPERVISION OF CHILDREN – The knowledge of and accounting for the activity and whereabouts of each child in care and the proximity of staff to children at all times

assuring immediate intervention of staff to safeguard a child from harm and maintenance of the program of the facility.

SUSPENSION – The formal act of immediately closing a day care facility due to the immediate imperilment of the health, safety or well-being of a child.

TEACHER – A caregiver who meets the qualifications specified in these regulation and the requirements of the SAC's job description for teacher.

TRAINING – Interactive developmental activity for child care providers in areas such as child development, discipline/behavior management, health and safety, age-appropriate activities, first aid, child abuse prevention and detection, working with parents, children with special needs, space design and community early childhood resources including but not limited to observation and assessment (not to exceed two hours) of other early childhood programs.

USEABLE SPACE – The space described by the application which had been inspected and approved by the Division and described by the license as the space where children are cared for in accordance with these regulations. All other space is not useable space.

VARIANCE – An exception to a regulation granted by the Commissioner in exceptional circumstances when, in his or her discretion, the literal application of the regulation will result in unnecessary hardship and when the intent of the regulation can be achieved by other means.

Exemption Chart

<u>Enrollment Age</u>	<u>Duration</u>	<u>Period</u>	<u>Program</u>
No restriction	4 Hours or less 1 day per week; or 2 hours or less 2 days per week	No restriction	No restriction
Completed kindergarten, or age six by 9/1* enrollment year	Up to all day	13 Consecutive weeks or less per year	Variety or general activity
Age three and older	Less than four hours per day	13 consecutive weeks or less per year	Variety or general activity
Age four and older**	Up to all day	No restriction	Single skill

* 10/1, 11/1, or 12/1 depending on enrollment cut-offs for kindergarten entry.

** Waivers may be granted by the Division to extend enrollment age to serve three year olds if criteria are met.

Section A - Administration

1. The licensee shall be responsible for compliance with these regulations and shall operate the facility at all times within the terms and conditions of the license.
- 2.a. The number of children at the facility or otherwise being provided care shall not exceed the maximum number of children for which the facility is licensed.
 - a. The licensee shall not sell or otherwise transfer the license to another individual, organization or corporation.
 - b. The license is valid only for the location listed on the license.
 - c. The licensee shall not alter or tamper with the license document or cause another to alter or tamper with the license document.
3. The license shall be posted in a conspicuous place where it can be easily read by parents and the public.
4. A copy of current regulations shall be posted at the facility. Parents shall be informed of the public availability of these regulations at the facility.
5. The licensee shall not represent or give the impression that the day care facility and/or its services are otherwise than as defined by the license certificate and the limitations of these regulations.
6. The licensee shall notify the Department within 15 days of any change of the person responsible for developing and implementing the program.
7. The facility shall be used only for purposes of child care or child care training during the hours of operation.
8. The facility shall meet all applicable requirements of the Department of Labor & Industry, Department of Environmental Conservation, Vermont Department of Taxes and Americans with Disabilities Act.
9. There shall be a process of introducing children and parents to the center which offers

a parent orientation, pre-enrollment visit and a gradual introduction of children to the center.

10. Parents shall have unlimited access without delay to their children and their caregivers during the normal hours of operation or whenever such children are in the care of such caregivers.

11. The staff shall encourage parents to spend periods of time at the center interacting with their children.

12. The following shall be provided in writing to all parents:

- a. a typical daily schedule;
- b. a policy regarding the reporting of suspected child abuse and/or neglect;
- c. a description of religious activity, if any;
- d. a schedule of fees and payment plans;
- e. a statement regarding parental freedom of access to the program;
- f. a description of ECP's program which sets forth the philosophy and methods employed to reach developmental goals for children and families;
- g. information concerning complaint procedures concerning the welfare of children.

13. A parent conference shall be offered at least annually to discuss children's progress, accomplishments, and issues at home and the center. Parent's reasonable requests for additional conference(s) shall be honored within 7 days.

14. Current emergency phone numbers shall be posted or located near the phone. Numbers shall include health care provider, fire, police, ambulance, poison center, parents' home and work and the Division.

15. A child shall be released only to persons authorized by the parent/guardian. However, a child shall be released to either parent unless there is a court order which prohibits release to a particular parent, a copy of which is kept in the SAC.

16. Each facility shall carry liability insurance of a reasonable amount for its own protection. Evidence of insurance coverage shall be provided to the Division upon licensing and relicensing.

17. The director shall inform all staff of revisions in regulations as they become effective.
18. Informational material relative to the care and development of children published or distributed by the local training, resource and referral centers and other relevant sources shall be made accessible to all staff.
19. The Program Director, upon obtaining written parental permission, may make appropriate professional referrals where necessary.

Section B - Records and Reports

1. Prior to admission, each child shall have a file on the premises, which contains, at a minimum, the following:
 - a. a completed child's admission form which is signed and dated by the parent;
 - b. child's complete name, birthdate, and date admitted;
 - c. parent(s)' full name, home and daytime (if applicable) addresses and telephone numbers;
 - d. name, address, and telephone numbers of two responsible persons to contact if the parent cannot be reached;
 - e. name and telephone number of child's health care provider and dentist if any;
 - f. description of child's health history current medications, allergies, special dietary requirements and other identified special need(s).
 - g. signed permission by parent to authorize emergency medical care; transportation (if provided) and persons who can remove child from program.

2. A child shall be admitted in a SAC or receive child care in a SAC when there is on file on the premises:

- a. an immunization report form which is completed (showing types and dates of immunizations), dated and signed by a physician licensed to practice medicine or osteopathy which attests that the child has been immunized in accordance with the schedule of immunization determined by the Vt. Department of Health or,
- b. a statement which attests that the child has not been immunized because the immunization is medically contraindicated or,
- c. a statement which attests that the child has not been immunized because to do so would interfere with the free exercise of the child's or the family's moral or religious rights or,
- d. a statement which attests that the child has been immunized according to the schedule except for specifically named immunizations listed in the statement. The statement shall attest that these immunizations will be given within a reasonable stated period of time. A child shall not receive care at the facility after the stated reasonable period of time has lapsed unless there is a written statement that the child has received all immunizations required by the schedule.

3. Daily attendance records, listing the dates of attendance for each child shall be maintained and kept up-to-date for a period of at least 12 months.

4. The date of withdrawal shall be recorded in the child's file. The child's file shall be maintained at the facility for a period of not less than 12 months from the child's withdrawal.

5. Within a year of the date of withdrawal, a copy of the child's file shall be made available to the child's parent upon request.

6. All records and reports required by these regulations shall be maintained in an up-to-date manner at the facility and are subject to inspection by and/or surrender to the Department upon request.

7. A child's presence at the facility will always be known by utilizing a check in and check out procedure for each child in attendance.

8. A written report shall be placed in the child's file and copies submitted to the parent

and Division within two working days of an accident or injury occurring while a child was in care which required the services of a physician or dentist.

9. Any incident where a child is bitten by an animal while in care shall be reported to the Division.

10. The licensee shall submit a written report to the Division within 48 hours of a fire that required the use of a fire extinguisher and/or the services of a fire department.

11. Each center will establish written procedures for handling emergency situations, evacuations, and the reporting of allegations of child abuse/neglect. Such procedures shall be included in staff training.

12. All child/family records will be kept confidential unless otherwise required by law or emergency.

13. All reports and notices issued by the Department shall, upon the Department's request, be conspicuously posted near the license certificate for a length of time determined by the Department or mailed to the individual parents.

13. Written parental permission shall be acquired for field trips. Parents are to be notified in advance when vehicles are to be used. Parents may grant general authorization for walking field trips.

Section C - Staff Requirements

1. Each facility shall have a Director and a Head Teacher on site the majority of time the center is open (this may be one and the same person for centers licensed for 59 or fewer children). In the event that the Director or Head Teacher is not present there shall be a staff person on site at all times during the licensed hours who is authorized to act in their place.

2. The person (Director and/or Head Teacher) responsible for developing and implementing the program in a facility of twelve (12) or fewer children shall have at least the following qualifications:

- Child Development Associate (CDA), or Certified Childcare Professional (CCP) Early Childhood Education Specialist, or

- Associates Degree in Early Childhood, Human/ Child Development (includes Pediatric Nursing), or Recreation, or
- Two (2) years of successful experience relative to the population being served and at least one (1) successfully completed higher education course in early childhood related topics (to be completed within 9 months),
- Child Care Certificate from Community College of Vermont or a certificate of completion from a Voc/ Tech Human Services Program approved by the State Board of Education emphasizing child care or early childhood education.

3. The person (Director and/or Head Teacher) responsible for developing and implementing the program in a facility of between thirteen (13) and fifty-nine (59) children shall have at least the following qualifications:

- CDA, CCP, or Associates Degree in Early Childhood Education, Elementary Education, Human Development, or Recreation and two (2) years experience with groups of schoolage children, or
- BA/BS with four courses in Early Childhood Education, Elementary Education, Human Development, or Recreation related topics and two (2) years experience with groups of schoolage children, or
- BA/BS in Early Childhood or Human/Child Development or Recreation and one (1) year experience with groups of schoolage children, or
- Three (3) years successful experience in a youth or recreational program and four (4) higher education courses successfully completed relative to the population being served. These higher education courses may be completed within eighteen (18) months of employment.

4. The person (Director and Head Teacher) responsible for developing and implementing the program in a facility of sixty (60) or more children shall have at least a:

- BA/BS in Early Childhood or Human/Child Development, Elementary Education or Recreation and two (2) years of successful experience relative to the population to be served, or
- BA/BS and four (4) higher education courses successfully completed in early childhood, elementary education or recreation related topics and three (3) years successful experience relative to the population to be served, or
- Associates Degree and four (4) higher education courses successfully completed in early childhood, elementary education or recreation related topics and four (4) years of successful experience relative to the population to be served. Course work requirements shall be completed within one (1) year of employment.

5. The Teacher for each group of children shall have at least a:

- CDA, CCP, or
- Associates Degree in Early Childhood or Human/ Child Development, or
- One (1) year of successful experience working with young children and one (1) higher education course successfully completed in Early Childhood Education or Human/Child Development.

6. The Assistant for a group of children shall be at least 18 years old and must have successfully completed, within one year of the beginning of employment or assignment, 1 course in child development approved by the Division. An assistant must be supervised by a Teacher, Head Teacher or Director until she/he has successfully completed a reasonable probationary employment period.

7. Recreation aides who are over the age of 16 years may count in the staff/child ratios in a schoolage program providing supervision but shall not be out of eyesight or earshot of an adult caregiver. The number of recreation aides can not exceed the number of adult staff persons on duty.

8. Any person employed in one of the aforementioned positions (under the existing license prior to 4/1/93, and who does not meet these qualifications shall be granted a waiver which will permit them to continue in their position.

9. Staff hired prior to April 1, 1993 shall have at least 3 positive written references and a written work history on file at the facility which attest to their ability to perform the duties related to their job description.

10. Staff hired after April 1, 1993 shall have on file references taken by representatives of the facility from three persons who are unrelated to the staff person which attest to his/her ability to perform the duties required by the job description. These references shall be dated and signed by the facility's representative and shall include the name and the telephone number of the person who gave the reference.

11. Written records for each staff person shall be maintained at the facility and shall include:

- a. job descriptions;
- b. records of employment history, training, education and experience;
- c. three positive references;
- d. signed statement(s) indicating that the employee has read and understands the Licensing Regulations for SAC and the center's policy manual.

12. The following persons may not operate, reside at, be employed at or be present at a day care facility:

- a. persons convicted of fraud, felony or an offense involving violence or unlawful sexual activity or other bodily injury to another person including, but not limited to abuse, neglect or sexual activity with a child; or
- b. persons found by a court to have abused, neglected or mistreated a child;
- c. adults or children who have had report of abuse or neglect substantiated against them under Chapters 49 & 69 of Title 33 Vermont Statutes Annotated.

13. Persons prohibited in Section 12 above may be present at or employed in a day care facility if the licensee and the person involved request a waiver from the prohibition and evidence acceptable to the Commissioner is presented which shows suitability or rehabilitation sufficient to warrant their participation or presence in a child care setting.

14. Parents of children enrolled in the facility who may be otherwise prohibited under Section 12 above, but are participating in prevention or parent education programs within the facility, may be present at the facility as long as they are visually supervised by staff of the facility.

15. For employees who are not employed in direct care services, but who are present

when children are in care, there shall be at least 3 written references and work history on file at the facility.

16. Substitute staff and volunteers acting as assistants, shall not provide care at the facility for more than three days unless there are on file at the facility no less than three references which attest to the person's ability and competence to perform duties which may be assigned to them.

17. There shall be on file at the facility (for staff, assisting parents and volunteers) a written statement signed and dated, indicating that the individual was informed of the center's policies on abuse and neglect and that they are aware that the abuse and/or neglect of children is against the law, and prohibited by the program and reportable to the Department.

18. When a request for a physical or mental examination is made by the Department, the licensee or staff person shall submit to the examination when there is just cause to suggest that the person's mental or physical condition impairs the person's ability to carry out the duties listed in his/her job description. The examiner shall be objectively selected by a third party designated by the Division each year for such purpose.

19. All staff counted in the ratio except recreation aides shall be competent in administering basic first aid. At least one staff person shall be present at the program who is certified in basic first aid and CPR.

20. Staff who have a contagious illness or are incapacitated by illness, fatigue, or any other condition(s) which limits their ability to care for children shall not care for children.

20. No staff person may be under the influence of alcohol or drugs except that prescription drugs which do not impair their ability to provide care may be taken.

Section D - Groups and Numbers

1. Children shall be provided developmentally appropriate care in a group setting subject to the following descriptions and limitations and ratio of staff to children.

Children's Ages	Maximum in Group	Staff/Child Ratio
Kindergarten	20	1:10
Promotion to 1 st grade	No Maximum	1:13

2. Each group of children shall have a caregiver/ teacher present who spends time each day with the group and is available to the group on a regular basis.

3. A group may consist of children of mixed ages provided the maximum number of children in the group, and the staff to child ratio, are in accordance with the age of the youngest child in the group as listed in subsection 1 above.

4. In determining the child/caregiver ratio, only those staff members working directly with the children a minimum of 90% of their assigned duty time shall be counted. These staff members can be counted when they are readily available on the premises and are temporarily not with children. Directors may be counted in the child/caregiver ratio when they are working directly with children.

5. There shall be a minimum of 2 staff persons on duty when the number of children in attendance exceeds eight (8). When the number of children allows a single staff person on duty, another caregiver shall be identified to be available to provide prompt assistance in the event of an emergency.

6. No person other than an employee of the center, except the child's parent, shall be left alone with children.

7. On emergency school closing days during the school year, such as snow days, school-age children who regularly are scheduled to attend on that day may attend for the full day provided the total number of children in care does not exceed the licensed capacity.

8. All children present and being cared for in the day care facility shall be included in determining the child/adult ratio.

9. The Division may otherwise alter the number of children in care in consideration of the experience, physical strength, skill and capacity of the staff and their ability to deal with children of different ages and capabilities.

Section E. - Program

1. Each child shall be supervised at all times by staff.

1a. Children who are in fourth, fifth, and sixth grades may participate in activities without the physical presence of staff when: i. staff have determined that children have a good understanding of the program's rules, regarding appropriate behavior and privileges and are capable of handling this responsibility; and ii. the whereabouts of each child is known to staff; and iii. Children are in space approved by the Department; and iv. Children are in groups which do not exceed six; and v. staff are in earshot of children and are able to provide immediate intervention if needed; and vi. Staff monitor children by in-person checks at least every 15 minutes; and vii. Staff have knowledge and approve of the activity in which the children are engaged (homework, club meeting, etc.); and viii. No child shall be alone, except for toileting.

2. A developmentally appropriate curriculum shall be planned in advance to reflect the program's philosophy and goals for children. A daily activity guide for the day/week related to the curriculum shall be posted in a conspicuous place or otherwise made available to parents. The daily activity guide shall provide for the following activities:

- a. indoor/outdoor
- b. quiet/active
- c. individual/small group/large group
- d. large muscle/small muscle
- e. child initiated/staff initiated.

3. Staff expectations of children's social behavior shall be appropriate to the child's developmental level.

4. Each child shall be treated equally with regard to respect, consideration, and opportunity to take part in all developmentally appropriate activities.
5. Staff shall interact with children throughout each day expressing respect and affection. Staff shall appropriately touch, hold, and smile at children. Staff shall speak to children at the child's eye level frequently.
6. Staff shall be available and responsive to children, encourage them to share experiences, ideas and feelings, and listen to them with attention and respect.
7. Staff shall plan and implement realistic curriculum goals for children based on the children's individual needs and interests.
8. The highlights of each child's day shall be communicated to parents.
9. Staffing patterns shall ensure that each child has a consistent primary caregiver in order to maintain continuity of care and the relationship between parent and facility for the purpose of establishing secure attachment.
10. If television/video viewing occurs it shall be:
 - a. in the presence of staff;
 - b. designed for children; and
 - c. shall not exceed 1/3 of total child care program time per child.
11. Program modification and emergency procedures related to children with special needs shall be developed and followed.
12. Outdoor play areas shall be under the supervision of a staff person.

13. Materials and daily activities for school age children shall be varied and age-appropriate, including:
- a. cooperative active play (indoor/outdoor);
 - b. quiet, individual time (rest, read, homework);
 - c. structured and unstructured;
 - d. staff directed and child initiated with expectations, responsibilities and limits clearly explained by staff.
14. Planned activities should include children's suggestions, interests, and the development of new skills.
15. At least one adult shall sit with children during meals and snacks.
16. Children shall be attended to when they cry indicating they need assistance.
17. A person shall be prohibited from the facility when her/his presence or behavior disrupts the program, distracts the staff from their responsibilities, intimidates or promotes fear among the children, or when there is reason to believe that her/his action or behavior will present children in care with risk of harm.

Section F - Guidance/Discipline

1. Staff shall use positive methods of guidance/discipline which encourage self-control, self-direction, self-esteem and cooperation. Guidance/discipline shall be designed to meet the individual needs of each child.
2. No employee, volunteer or parent may employ any form of cruel or unusual punishment including corporal punishment such as, but not limited to:
- a. Hitting, shaking, biting, spanking, pinching;
 - b. Restricting a child's movement by binding or tying or use of any other form of mechanical restraint;
 - c. Withholding necessary food, water, rest or toilet use;
 - d. Confining a child in an enclosed or darkened area such as a closet or locked room;

e. Inflicting mental or emotional punishment such as humiliating, shaming, threatening or frightening a child.

3. Rules, expectations and limits shall be applied consistently and explained in a clear manner. A child shall not be expected to perform behavior which is beyond the child's comprehension or ability.

Section G - Environment

1. The facility shall provide a pleasant, safe, clean, well-lighted, environment suitable for children.

2. The facility's building, grounds and equipment shall be maintained in a clean and orderly fashion and kept in good repair.

3. There shall be at least 35 square feet of safe usable licensed space per child inside the facility, excluding areas primarily used for hallways, bathrooms, offices and the food preparation area in the kitchen.

4. Each child shall have a primary care space to offer security and continuity in the program.

5. There shall be a safe outdoor play area which provides a minimum of 75 square feet of space per child. The play area shall include provision for shade.

6. Children in care shall be protected from any and all conditions which threaten a child's health, safety and well-being. This includes protecting children from stoves, pools, window covering pull cords, asbestos, wells, chips and dust from lead paint, traffic and other hazards.

7. There shall be equipment which encourages quiet activity (clay, crayons, paints, story and picture books, dolls, puzzles, etc.). These shall be stored in a manner so as to promote easy access by children.

8. Furniture, equipment and climbing structures shall be clean, sturdy, without sharp edges, present minimal hazards, and shall be appropriate for the size, abilities and activities of the children. Pressure treated wood containing creosote or

pentachlorophenol shall not be present.

9. All equipment shall be arranged so that children playing on one piece of equipment shall not interfere with children playing on or running to another piece of equipment.

10. Climbing equipment and swings shall be securely anchored to the ground.

11. Cushioning material which is absorbent shall be in place in sufficient depth under climbers, slides, swings, or other structures which allow children to achieve a height of more than 30 inches. This material shall be maintained in good condition. Grass, bare ground, asphalt and concrete are prohibited under these structures.

12. Closet and bathroom doors which can be locked shall be capable of being unlocked from the outside. The unlocking device shall be readily accessible.

13. All areas used to determine the indoor licensed capacity shall not be subject to drafts.

14. There shall be no animal present at the facility, regardless of ownership, which presents a danger or health hazard to the children. Children shall not have contact with wild animals.

15. There shall be a telephone, in working order, on the premises immediately accessible for incoming and outgoing use during the time children are present. The telephone number shall be publicly listed. The use of answering machines is permitted only when they are fully operational and located where they can be heard by staff.

Section H - Transportation

1. Upon written permission from the parent, transportation may be provided for children.

2. The vehicle used for transporting children shall be registered, inspected and insured according to State law.

3. When the licensee provides transportation, the maximum amount of time a child can be transported to or from home shall not exceed 45 minutes one way.

4. The operator of the vehicle shall hold a valid operator's license appropriate for that vehicle.

5. Children in vehicles shall not be left unattended or unsupervised at any time.

6. When there are 3 or more non-ambulatory children in the vehicle, there must be at least 2 staff present unless the vehicle is equipped with a two-way communication system linked to emergency backup services. When there are more than 6 non-ambulatory children in the vehicle a 1:4 ratio shall apply.

7. The driver shall wear an individual seat belt.

8. When being transported in a motor vehicle, all children, except children who have physical conditions which prevent the use of a child safety seat or seat belt, must be properly restrained in accordance with the following chart:

Age	Front Seat	Rear Seat
5 to 15	Safety Belt	Safety Belt

9. The practice of allowing two or more children in the same child safety seat or seat belt is prohibited.

10. When school-age children are transported in school buses, there must be a second adult if there are 10 or more children. After the 2nd staff person, a staff/child ratio of at least 1:13 shall be maintained.

11. When school buses are utilized, the driver shall be licensed by the Vt. Dept. of Motor Vehicles to operate a school bus.

12. The number of children within the school bus shall not be more than the number of seating spaces provided.

13. Automobile insurance at limits of bodily injury liability of not less than \$100,000/\$300,000, and property damage of not less than \$50,000 shall be carried.

Section I - Swimming

1. Each child shall have written permission from her/his parent prior to participating in a wading/swimming activity.
2. Swimming facilities shall be protected and pools fenced so that no child may gain access without staff approval, observation and supervision. Facilities and pools shall be maintained in accordance with sound health and safety practices.
3. Ratios shall not exceed 1:6 for school age children when swimming except when a certified lifeguard is present and assigned specifically to the group. Fewer than 24 children may be supervised by two caregivers in addition to the certified lifeguard providing that staff are swimmers.
4. When swimming lessons are being provided, the lessons shall be provided by a certified instructor.

Section J - Emergency Procedures

1. A first aid kit containing at a minimum: adhesive, bandages, ice pack, scissors, safety pins, sterile gauze dressings, rolls of gauze bandages, thermometer or fever strip, tweezers, disposable latex gloves, syrup of ipecac and an easy reference first aid manual shall be available and accessible to staff. This kit shall be replenished as supplies are used or as expiration date(s) indicate.
2. There shall be an emergency evacuation plan consisting of simple, clear drawings which depict evacuation routes posted by the door in each room in which children are in care.
 - a. A mechanism shall be in place to assure that all children are accounted for at a predetermined safe place.
 - b. The plan, which may be preannounced, shall be practiced at least once a month. A written record of the dates practiced shall be maintained. Evacuation required under this plan shall be completed within three (3) minutes.
3. The parent(s) of a child who becomes ill or who is injured at the facility shall be notified immediately. Severely injured children shall be moved only with the permission of the parent or by direction of a medical professional unless such are not

available and immediate movement is necessitated by an emergency situation.

4. An ill or injured child shall receive immediate attention of the staff. Clear plans shall be made to notify parent and make plans for the parent(s) or other designated person to pick up the child.

5. Upon determination that a child may be lost or may have been abducted, the facility shall immediately notify the parent(s) of the child, the police and the Division.

6. When a child, who is enrolled in an after-school program, does not arrive as scheduled, every effort shall be made to notify the parent or authorized person immediately.

Section K - Health

1. Disinfection

a. Bathroom fixtures, floors and table surfaces shall be cleaned and disinfected daily. disinfected daily.

b. All toys and indoor equipment shall be cleaned at least monthly.

c. Blood spills shall be treated cautiously and decontaminated promptly. Disposable gloves shall be worn while handling any blood spill, bloody diarrhea, bloody nose, etc. and discarded after each use. Contaminated surfaces shall first be cleaned with hot, soapy water, and then disinfected with a solution of 5.25% sodium hypochlorite (household bleach) diluted 1:10 to 1:100 with water (1/2 oz. bleach to a quart of water), prepared daily or other acceptable disinfectant solution (EPA rated as hospital disinfectant with label claim for mycobactericidal activity). Hand washing with soap and water shall occur after the cleaning of any spill involving blood, vomitus, fecal or urinary incontinence.

2. Excludable Conditions

a. No child shall be admitted if in the opinion of the Director or a medical professional the child is too ill to be in day care.

b. A child or staff member diagnosed as having any of the following diseases or infections shall be excluded from the day care setting until a medical professional indicates that it is safe for him or her to return:

bacterial meningitis

chicken pox

Shigella

Campylobacter

Salmonella

Giardia

polio

impetigo

diphtheria

hepatitis A

measles

mumps

pertussis (whooping cough)

rubella (german measles)

streptococcal infection, including

scarlet fever, strep throat

tuberculosis (active)

c. A child or staff member diagnosed as having the following conditions shall be excluded until indicated below:

Lice: may return after appropriate treatment is completed;

Scabies, pinworm infection, ringworm

infection: may return 24 hours after treatment is initiated.

d. A child or staff member who has the following symptoms shall be excluded from the day care setting until the symptoms disappear or until otherwise indicated by a medical professional:

Diarrhea: 3 loose stools beyond what the child normally has in 24 hours or loose stools persisting for more than 48 hours;

Vomiting: 2 or more episodes in previous 24 hours;

Fever: greater than 101 degrees F. rectally or 100 degrees F. orally or axillary;

Severe coughing: child gets red/blue in the face or produces whooping or croupy noise after cough;

Purulent conjunctivitis (pink eye);

Jaundice: yellowing of skin or white part of eye;

Rash with fever or behavior change;

Other symptoms of possible severe illness, such as unusual lethargy, irritability, persistent crying, difficulty with breathing, persistent abdominal pain.

3. Food Services

a. All food shall be transported, stored, prepared and served in a sanitary manner. All on-site food preparation and/or use of multi-service utensils shall have prior approval by the Division.

b. Children may be permitted in meal preparation areas when supervised.

c. The food preparation area shall not be used for other activities when food or drink is being prepared or served.

d. Live animals shall not be kept or allowed in any rooms where food or drink is being prepared.

e. Hot and cold water under pressure shall be available in all rooms where food or drink is prepared or utensils are washed.

f. All kitchen sinks shall be equipped with individual cloth or paper towels and soap for hand washing by food service personnel.

g. Surfaces coming into contact with food or drink shall be easily cleanable, in good repair, and shall not be made of toxic material.

- h. Kitchen facilities shall be maintained in a sanitary condition, free of dust, insects and other contaminants.
- i. No wastewater pipes shall be located over food preparation, storage or serving areas.
- j. All readily perishable food or drink, including that brought by children, shall be refrigerated at or below 45 degrees (F), 7 degrees (C), except when being prepared or served.
- k. Food and containers of food shall be labeled and dated and stored in the refrigerator in order to permit free circulation of cool air, and in such a manner as to prevent contamination.
- l. Frozen foods shall be stored at 0 degrees (F) (-17C) or below.
- m. Readily perishable food not in its original container shall be stored in the refrigerator in covered shallow pans not more than 3" in depth to promote rapid cooling.
- n. All readily perishable food shall not be kept at room temperature for more than 1 hour while being prepared or served.
- o. Fresh fruits and vegetables shall be thoroughly washed before use.
- p. All readily perishable or readily contaminated frozen food shall be thawed at or below 45 degrees F. (7C) or above 150 degrees F. (60C).
- q. All readily perishable or readily contaminated hot food shall be kept at 150 degrees (F) (60C) or above.
- r. All pork and pork products, chicken and chicken products, shall be cooked until all signs of redness have disappeared.
- s. All milk, fluid milk products, ice cream and frozen desserts shall be pasteurized and obtained from sources approved by the Vermont Department of Agriculture.
- t. Any food served to a child shall not be served to another child.

u. All utensils, equipment and food shall be stored in a clean, dry place, free from insects, dust and other contamination, and shall be handled in such a manner as to prevent contamination.

1. All containers and utensils shall be stored 18" off the floor if stored openly. Dishes shall be stored in closed space. Cupboards shall be clean.

2. Utensils shall be covered or inverted when not in use.

3. Containers and utensils shall not be handled on the surfaces which come in contact with food or drink.

4. Paper cups, plates, straws, spoons, forks, and other single service containers and utensils shall be purchased in sanitary cartons and stored in a clean and dry place until used. After removal from the cartons, these articles shall be placed in dispensers or stored so that the food contact surfaces are not exposed to sources of contamination; single service utensils shall be used only once.

5. All machinery and equipment in connection with the operation of the kitchen shall be so constructed and arranged so as to be easily cleanable and shall be kept in good repair.

6. Enamelware and cracked or chipped china or glassware shall not be used.

7. All foods shall be stored in plainly labeled, dated and rodent proof containers.

8. All foods that are contaminated shall be disposed of promptly. Swelled, rusty, dented or leaky canned food or drink shall be disposed of promptly.

v. When multi-services utensils are used a mechanical dishwasher shall be equipped with a rinse cycle of 140 degrees (F) (57C). This shall be installed and operated according to the manufacturer's recommendations.

1. In a day care center serving 12 or fewer children, a family kitchen in good repair shall be acceptable. A domestic dishwasher is acceptable for washing dishes.

w. When a dishwasher is not available and single service items are not used; a three compartment sink with adequate space for drain boards shall be required for the dishwashing, rinsing and sanitizing of dishes and utensils. Dishes, shall be washed in hot, clean water (120 degrees F. 49 C), rinsed in hot, clean water and immersed for two minutes in sanitizing rinse. One and 1/4 teaspoons of chlorine bleach must be used for each gallon of water during the sanitizing rinse. Hand washed dishes shall be air dried.

l. In a day care center serving 12 or fewer children, when a dishwasher is not available, there shall be a two compartment sink with adequate space for drain boards, and dishes shall be washed subject to the procedures stated in Section w above.

x. Food may be prepared in an approved facility and transported to the program in appropriate sanitary containers and at appropriate temperatures.

y. Milk or food, if heated, shall be served to children only after contents have been shaken (if liquid) and tested.

z. The facility staff shall practice good hygiene when handling food. Staff with diarrhea shall not work in the food preparation area. Staff with open sores that cannot be covered shall not prepare food.

4. Hand washing

a. Staff shall wash hands with soap under warm running water:

1. before preparing or serving food;
2. before feeding a child;
3. after assisting a child with toileting;
4. after cleaning up after a sick child or a blood spill.
5. after toileting.
6. after handling animals.

b. Children must wash hands with soap under warm running water:

1. before they eat;
2. after they use the toilet;
3. after handling animals.

c. Staff shall wash the hands of children who are unable to wash themselves.

5. Illumination

a. Areas licensed as indoor usable space for children, except sleeping areas, shall have artificial lighting available that provides a minimum of 50 foot candles of light 24" above the floor. Other areas must provide a minimum of 30 foot candles over the entire room.

b. Stairways shall be well-lighted and equipped with handrails.

6. Laundry

a. Wet or soiled clothing shall be changed promptly.

7. Medication

a. Prior to giving prescription medication to a child, written permission from the parent shall be obtained specifying reason for medication, dosage, content and schedule.

Prescription medication shall only be given when:

1. the prescription is for the child;

2. the medication is clearly labeled as to dosage, content, schedule, is in its original container and the date is current;

3. dosage does not exceed the recommended dosage on label.

b. Written parental permission shall be acquired for dispensing non-prescription medication. Parent are to be notified in advance when non-prescription medications are to be used. Parents may grant general authorization for topically applied non-prescription medications.

8. Nutrition

a. There shall be no more than three hours between the serving of meals and snacks.

b. Children shall receive meals and/or snacks according to the following:

Hours of Care	Minimum Meals and/or Snacks that shall be served.
12 Hours	2 Meals and 2 Snacks

8 Hours or more but less than 12 Hours	1 Meal and 2 Snacks or 2 Meals and 1 Snack
4 Hours or more, but less than 8 Hours	1 Meal and 1 Snack
4 Hours or less	1 Snack
8-10 Hours of Night-time Care	2 Snacks or Meals if child is present at standard mealtime Hours.

- c. Snacks provided by the parents which are subject to rapid deterioration or spoilage shall be refrigerated upon arrival at the facility.
- d. When the child care facility provides meals, menus of the previous 6 weeks shall be on file for inspection and the menus for the current week shall be posted.
- e. When furnished by the facility, snacks and meals shall be wholesome, adequate, nutritious and in appropriate portions. Snacks shall consist of foods belonging to at least two (2) food groups and meals shall consist of foods belonging to at least three (3) food groups.
 - e.1. When meals/snacks are furnished by the parent, parents shall be encouraged to provide appropriate portions of food which is adequate and nutritious.
- f. Sufficient food shall be available for second servings at meals.
- g. No child shall be forced to eat.
- h. Powdered milk shall be used for cooking only.
- i. Upon request, children shall be provided with water for drinking.
- j. Medically required special diets, formulas or food supplements shall be given to children only after obtaining written instructions from the child's parent(s) and registered dietician or physician.

k. A child shall be provided a special diet only upon written authorization and direction by the parent.

9. Outdoors

Outdoor areas shall be well drained and free from depressions in which water may stagnate.

10. Plumbing

a. Approval for new interior plumbing or renovation must be obtained through the Department of Labor and Industry. The plumber performing the work must file a Plumbers Work Notice before beginning work, as well as comply with all other Labor and Industry notification requirements while performing the work (unless the municipality is exempt).

b. All building wastewater pipes shall be connected to a public sewer when there is one available.

c. All plumbing shall comply with the applicable plumbing code and be designed and installed to prevent contamination of the water supply through interconnections and/or back-siphonage from fixtures and equipment and to prevent contamination of food, drink, food bearing surfaces, utensils and equipment.

d. Prior to licensure approval of water supply and wastewater disposal system must be granted by the Department of Environmental Conservation.

11. Poisons

a. All poisonous substances, including aerosol sprays shall be inaccessible to children and used appropriately.

b. Drugs, alcohol and other medications shall be clearly labeled and shall be inaccessible to children.

12. Premises

- a. Roofs, exterior walls, doors, skylights, and windows shall be weather tight and in sound condition and good repair.
- b. Floors, interior walls, ceilings, and windows shall be maintained in good repair. All painted surfaces accessible to children shall be smooth and easily cleanable and free of toxic material. Lead-base paint is prohibited.
- c. Prior to initial licensure of an existing building an assessment shall be performed by a person certified by the Vermont Department of Health to determine (1) if Asbestos Containing Material (ACM) is present; and, (2) if ACM is present, to ascertain the condition of such material. A copy of the assessment shall be made part of the initial license application. If abatement recommendations (repairs, enclosure, encapsulation or removal and clean up) are made, then recommendations must be corrected prior to licensure. When recommendations such as these are made, the Vermont Health Department Asbestos Control Program shall be notified by the applicant and, if warranted, a site visit may be made to determine the necessity of the recommendations.
- d. The center's air conditioners, electric fans, and heaters must be mounted out of the children's reach or have safeguards which prevent children from being injured.
- e. There shall be railings, easily reachable by children, on stairs, porches and platforms more than 2 feet above the ground.
- f. The premises shall be cleaned at least daily.
- g. Stairs, ramps, walks and porches shall be maintained in a safe condition relative to the accumulation of water, ice, snow or other hazards.
- h. Bathroom and kitchen floors and molding surfaces shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean condition.
- i. Garbage and refuse shall be stored in insect and rodent proof containers with secure fitting lids.
- j. Garbage and refuse shall be removed from the building at least daily, and removed from the premises at least weekly.

- k. Reasonable efforts shall be made to keep the center free of insects and rodents.
- l. Dumpsters, garbage cans or highly flammable materials are prohibited from the outdoor play area. Covered trash cans are permitted.
- m. Devices that constantly diffuse air-borne chemicals that are harmful to humans are prohibited.
- n. When 220-volt electrical connections are within the children's reach, the SAC must cover them a screen or guard.
- o. Low shelves and doorknobs shall be washed and disinfected so as to minimize the spread of illness.
- p. Step stools for children shall be required if lavatories (hand sinks) are installed at other than child height.

13. Smoking

- a. Smoking is prohibited on the premises or in view of the children.

14. Temperature

- a. A minimum draft-free temperature of 68 degrees F. one foot above the floor must be maintained in areas of the facility used by children. Indoor gross motor areas not counted in the indoor square footage measurement are exempt from this 68 degree F. provision.

15. Toilets and Toileting

- a. There shall be a conveniently located toilet and sink for every 15 children or portion thereof. Toilets are to be used only by children, parents, staff and volunteers of the center.
- b. Bathrooms are to be kept clean and in good repair with adequate lighting and

ventilation.

c. Ventilation from the bathroom to the outside air must be by a screened window or electric exhaust fan.

d. Children shall have free access to toilet facilities when needed.

e. Toilets are to be cleaned and disinfected daily.

f. Toilet paper shall be available at all times at each toilet and be properly dispensed through a dispenser.

g. Toilets are to be flushed after each use.

- h. Lavatories shall have hot and cold running water which emanate from a single spigot.
- i. Soap and paper towels shall be available, properly dispensed and accessible to the children at each lavatory (hand sink).
- j. The facility shall have a continuous program to instruct the children in the proper and sanitary use of toilet facilities.
- k. Staff shall assure that children use only those toilet articles belonging to or individually assigned to them.

16. Ventilation

- a. All rooms shall have at least one openable (screened in the summer) window unless artificial ventilation is used as a supplement or substitute; minimum ventilation shall be 4 cfm per occupant.
- b. All rooms must be sufficiently ventilated to be reasonably free of disagreeable odors, condensation, and toxic gases.
- c. Doorways to the outside which are open, excluding fire doors, must be screened.

17. Water

- a. Water from a public water system must be in compliance with the Vermont Department of Health's "Public Water System Regulations" and/or applicable Department of Environmental Conservation Regulations.
- b. Private water systems shall be capable of furnishing an adequate supply of potable water at pressure necessary to sustain equipment during all hours of operation. A minimum residual pressure of 20 pounds per square inch is required during maximum draft at faucets.
- c. Drilled wells must be capped at least 18 inches above the ground. Springs must have tight fitting metal or concrete tops.

- d. The temperature of hot water available to children shall not exceed 120 degrees F.
- e. Water supply employing water haulage (tank truck haulage, containers, etc.) in the distribution system will be approved only in emergency situations. Prior approval must be obtained from the Division.

Section L - Training

- 1. Program directors and head teachers shall receive at least 9 hours of training per year.
- 2. Paid staff who are included in the staff/child ratio shall receive at least six hours of training a year the majority of which shall be related to the care and development of the children in their care. This training is in addition to any infant/child CPR certificate or recertification.
- 3. At least two of the six hours of required staff training shall focus on the skills and competencies related to the ages or developmental stages of the children in the caregiver's group.
- 4. It shall be the responsibility of the Licensee or Director to provide, or arrange for the provision of in-service training. In addition, the Licensee or Director shall disseminate information about training meetings in the area and shall encourage staff to attend workshops or meetings which will benefit them.
- 5. The Director shall be responsible for obtaining appropriate training for staff caring directly for children with special needs.
- 6. The Department may determine whether additional training or technical assistance is needed in order to achieve compliance with these regulations. When such a determination is made, the training/technical assistance must be completed prior to the re-issuance of future licenses.

Section M - Relationship Between Licensee and the Division

1. All notices of violation shall be posted in a place in the facility where parents can see and read them.
2. When violations are found to exist, the Department may offer a Licensee the opportunity to develop a program improvement plan whereby the violations will be corrected within a time period specified by the Division. Such opportunity may not be provided when the violation poses risk of harm or is of a repeated nature.
3. The Licensee shall notify the parent of each enrolled child, by mail, of a serious violation. In the case where the child's parents are separated or divorced, a copy shall be mailed to each parent if both are known and the SAC has a relationship with both parents.
4. No later than 15 days after employing a person, the Licensee or his/her designee shall furnish the Division with the name, birth date, place of birth and social security number of that person. No person can end probationary status until the Division has informed the Licensee that the staff person does not have an abuse or criminal history which would preclude his/her presence at an SAC.
5. Upon request, a Licensee shall provide the Department with a list of the names, addresses and telephone numbers of families served during the prior twelve months and dates of attendance for each child served. The Division shall contact the Licensee by telephone, or in writing, to inform the Licensee of the request.
6. The Licensee shall permit visits, inspections and examinations of the Licensed Facility, its records, equipment and materials at reasonable hours by representatives of the Division.
7. The Division may deny the issuance of a license if it has found that the person who has submitted the application has not complied with these regulations.
8. The Division may attach conditions to a license or issue a provisional license when conditions warrant.
9. When a Licensee has made timely and sufficient application for license renewal, the existing license does not expire until the application for license renewal has been acted

upon by the Division.

10. A Licensee or applicant providing false information or who causes the Division to receive false information, may have their license denied, suspended and/or revoked.

11. A violation of any section of the law or regulations regarding a Licensed Day Care Facility may be cause for the revocation of the license.

12. When there is reason to believe that the health, safety or well-being of children in care is immediately imperiled, the license may be suspended.

13. The Division may notify parents of enrolled children of its action or proposed action in the event that that the license has been suspended or is the subject of an intended revocation.

14. An intention of the Division to revoke, or a decision to suspend, shall be communicated in writing, and shall set forth the facts of conduct the Division believes warrants the intended action. This notice shall contain the Licensee's rights to a hearing and an appeal:

a. If the Licensee is aggrieved by the intended action, he or she must indicate to the Department or the Human Services Board that they wish to challenge the action within thirty (30) days from the date of the mailing of the Division's letter of intended action.

b. Such a grievance shall also be considered a request for a hearing and fair hearing before the Human Services Board pursuant to 3 VSA 3091. If the Licensee has not already requested a fair hearing, the Division shall notify the Board of the Licensee's request.

c. Within fifteen (15) working days of the receipt of the grievance the Commissioner shall schedule a review of the intended action and provide the Licensee with an opportunity to be heard with regard to the intended action.

d. The Licensee may submit a written response to the letter of intended action or may present her/his position to the Commissioner, or her/his designee, in person or through an attorney or other representative. At that time the Licensee may bring witnesses, documents or present any other evidence in their behalf.

e. The burden of proving facts alleged as the basis for the intended action shall be on the Department.

f. After the hearing the Commissioner shall notify the Licensee in writing of the decision of the Department regarding the intended action. If the Commissioner decides that the intended action should take place, an appeal will be conducted according to the rules of the Human Services Board. Notice of the Department's intended action shall be posted in a place where parents can see and read it.

g. Unless the license has been suspended, it shall remain in effect until the Human Services Board enters its final decision on the appeal.

15. The SAC shall have a written policy which is known to all staff which requires the Licensee as well as staff who have a reasonable cause to believe that any child has been abused or neglected to report or cause a report to be made to the Department within 24 hours. If staff has followed the written policy of the SAC in making abuse reports, then the Licensee may not terminate the employment of or take any other adverse action toward the staff person for making the report.

16. The Licensee or his/her designee shall not discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative word performance evaluation or take any other action detrimental to any employee because the employee filed a good faith report regarding suspicion of abuse.

17. The staff shall distribute materials and information relevant to child care, development, health and safety as requested by the division.

18. A Licensee who is licensed to provide child care in their residence may not provide respite care for foster children, or foster care, either licensed or provisional, except that they may provide respite or short term foster care to a child who is already enrolled in their licensed facility.